

**PROFESSIONAL COUNSELORS SECTION
MEETING MINUTES
APRIL 14, 2009**

PRESENT: LaMarr Franklin, Leslie Mirkin, Evelyn Pumphrey, Charles Lindsey

STAFF: Jeff Scanlan, Bureau Director; Michael Berndt, General Counsel; Kimberly Wood, Minute Taker and other DRL Staff

GUESTS: Joseph D' Costa, Department of Workforce Development

CALL TO ORDER

Leslie Mirkin, Chair, called the meeting to order at 9:02 a.m. A quorum of four (4) members was present. Charles Lindsey was introduced as a new appointment to the Section replacing Susan Putra. The Section welcomed Charles Lindsey. Additionally, the Section expressed their gratitude to Susan Putra for her years of service and her dedication to the Professional Counselor's Section.

APPROVAL OF AGENDA

Amendments

- After Item "A" (open session) Presentation of Proposed Stipulation Signed After the Mailing of the Agenda:
 - Brad Knapp, LPC
- Item "G" (open session) Request for Professional Counselor Section Motion to Designate the WI Office of Hearings and Appeals Attorney as Administrative Law Judge for the Professional Counselor Section of the Joint Board
- After Item "G" (open session) Email from Dan Zimmerman, Dept of Health Services, Regarding Psychotherapeutic Practice by Licensed Professional Counselors, Vendorship and Two-Tier Professional Counselor Licensure
- After Item "G" (closed session) Deliberation of Proposed Stipulation Signed After the Mailing of the Agenda:
 - Brad Knapp, LPC

MOTION: LaMarr Franklin moved, seconded by Evelyn Pumphrey, to approve the April 14, 2009 agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 25 2009

MOTION: LaMarr Franklin moved, seconded by Evelyn Pumphrey, to approve the minutes of February 25, 2009 as published. Motion carried unanimously.

ADMINISTRATIVE REPORT

The Section was advised that Jacquelynn Rothstein has been transferred to the Division of Enforcement to the position of prosecuting attorney. Michael Berndt, General Counsel, was introduced to the Section as legal counsel for today's meeting. The Department is working to make the assignment of a new legal counsel for the Section. Jeff Scanlan then introduced Gail Sumi, Administrator – Board Services. The following changes were reported.

Personnel Changes:

- Nicole Goodman, has transferred from the Division of Board Services to the Office of Education and Examinations to fill the vacant Education Approval Processor position.
- Amy Childers, Bureau Assistant – Division of Board Services, has left the agency.

The Section was further advised of a merger of the Division of Board Services with the Office of Legal Counsel. Jeff Scanlan explained the new structure and the purpose for the merger. Additional information regarding this merger will be provided once more details have been established.

PRESENTATION OF PROPOSED STIPULATIONS

None.

PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER MAILING OF AGENDA

Jack Zwieg, Attorney, presented the proposed stipulation in the matter of Brad Knapp, LPC.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

Jeff Scanlan advised that hard copies of the summary reports have been included in the MPSW Joint Board agenda packet. This item will be reviewed at the April 15, 2009 MPSW Joint Board meeting.

STATUS OF RULES AND STATUTES

REVIEW OF PROPOSED DRAFT RULES: CHANGES TO S. MPSW 1.11 PSYCHOMETRIC TESTING

Jeff Scanlan provided the Section with background relating to the proposed changes to MPSW 1.11 relating to Psychometric Testing. The Section reviewed the changes made to this rule draft by the Psychology Examining Board. The Section discussed its position regarding the requirements for supervisors of those administering psychometric testing and decided to take their concerns to the Joint Board meeting for review.

FYI ITEM: ORDER FOR ADOPTION: ORDER OF THE MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING AND PROFESSIONAL COUNSELING EXAMINING BOARD ADOPTING RULES, CLEARINGHOUSE 08-088; RULES RELATING TO SUPERVISED PRACTICE, TRAINING LICENSES AND ACADEMIC PROGRAMS FOR PROFESSIONAL COUNSELORS

Jeff Scanlan provided the Section with a copy of this rule draft. The Section discussed posting information to the Department website, and sending information to various professional organizations and professional counseling educators regarding clarification of the changes created by this new rule. Once this rule is final Jeff Scanlan will oversee the posting of an informational statement regarding the changes within CR 08-088.

MOTION: Evelyn Pumphrey moved, seconded by LaMarr Franklin, to authorize Charles Lindsey to communicate the changes outlined in CR 08-088 to the professional counselor community. Motion carried unanimously.

PROFESSIONAL COUNSELOR SECTION REVIEW OF REVISED APPLICATION FORMS, POLICIES FOR APPROVED COUNSELOR EDUCATION PROGRAM REVIEW

Jeff Scanlan reviewed the revisions made by the Section to the professional counselor and professional counselor training license applications. The Section was informed that approved programs and courses are being compiled and will be listed on the Department website in the future. Additional changes to these application forms were requested. Revised application forms will be brought back for Section review and approval at a future meeting. Comments were provided by Joseph D' Costa, DWD, regarding requests for clarification of statements within the application and surrounding the licensing process.

**LETTER TO THE PROFESSIONAL COUNSELOR SECTION REGARDING
DISCREPANCIES BETWEEN WISCONSIN PROFESSIONAL COUNSELOR
STANDARDS OF 42 CREDIT PROGRAMS, NATIONAL COUNSELOR EDUCATION
STANDARDS AND THE NEW STANDARDS DEvised IN THE 2009 CACREP
CURRICULUM GUIDELINE. LETTER SUBMITTED BY DAVID VAN DOREN, ED.D.,
DEPT. CHAIR, COUNSELOR EDUCATION AND M. ALAN SAGINAK, ED.D., DEPT.
CHAIR PROFESSIONAL COUNSELING, UW-OSHKOSH**

Leslie Mirkin requested feedback from the Section regarding correspondence received from Professional Counseling Education Department Chairs from UW Whitewater and UW Oshkosh. The issue raised relates to Wisconsin's educational licensure requirements in professional counseling and a conflict with the revised CACREP educational requirements which will take effect in 2010. Wisconsin's current educational requirement 42 credit hours, many other states require 48 or 60 credit hours and CACREP's revised educational requirement will indicate the need to obtain 60 credit hours. The Section deliberated an increase of the existing educational requirement for licensure. The Section requested that David Van Doren, EdD, Counselor Education Department Chair, UW Whitewater, and M. Alan Saginak, EdD, Professional Counseling Department Chair, UW Oshkosh appear to present to the Section regarding this topic at their next meeting.

**DISCUSSION ON AMENDMENT OR REPEAL OF S. 457.02 PERTAINING TO
REQUIREMENTS FOR SUBSTANCE ABUSE AND SUBSTANCE USE DISORDER
TREATMENT BY A LICENSEE OF THE BOARD (MARRIAGE AND FAMILY
THERAPIST, PROFESSIONAL COUNSELOR, & CLINICAL SOCIAL WORKER)**

Jeff Scanlan advised that the MPSW Joint Board's intent, relating to the amendment or repeal of s. 457.02, is to address this matter at the legislative level. The Board intends to eliminate the prohibition in s. 457.02 which restricts licensees from performing AODA services without separate substance abuse counseling certification. The Section opted to defer discussion to the MPSW Joint Board meeting. The Section indicated its support of this initiative.

**REQUEST FOR PROFESSIONAL COUNSELOR SECTION MOTION TO DESIGNATE
THE WI OFFICE OF HEARINGS AND APPEALS ATTORNEY AS ADMINISTRATIVE
LAW JUDGE FOR THE PROFESSIONAL COUNSELOR SECTION OF THE JOINT
BOARD**

Michael Berndt, General Counsel, provided the Section with the background surrounding reasoning behind the move of the Administrative Law Judge function.

MOTION: Evelyn Pumphrey moved, seconded by Charles Lindsey, to designate an attorney who is employed by the Division of Hearings and Appeals, Wisconsin Department of Administration, to serve as an Administrative Law Judge to preside over Class 1 license denial hearings and Class 2 disciplinary proceedings, pursuant to Wis. Admin. Code § RL 1.08 and § RL 2.10. This designation is in addition to the designation already provided for in Wis. Admin. Code § RL 1.08 and § RL 2.10. Motion carried unanimously.

**EMAIL FROM DAN ZIMMERMAN, DEPT. OF HEALTH SERVICES, REGARDING
PSYCHOTHERAPEUTIC PRACTICE BY LICENSED PROFESSIONAL
COUNSELORS, VENDORSHIP AND TWO-TIER PROFESSIONAL COUNSELOR
LICENSURE**

The Section was provided with a copy of e-mail correspondence between Dan Zimmerman, DHS, and Jeff Scanlan. The communication discussed evidence that some licensed professional counselors may not be adequately trained to provide independent psychotherapy at the time of licensure, noted issues posed by the proposed vendorship legislation as it relates to the ability of non-clinically trained professional counselors to perform psychotherapy independent of supervision and addressed the idea of two-tiered licensing. After reviewing this information the Section discussed approaches and their impact as it relates to this professional Counseling. The Section requested that Dan Zimmerman, DHS, be invited to appear to address the topic of psychotherapeutic practice, vendorship and two-tiered licensure at a future meeting and to provide perspective and feedback regarding these issues.

**APPROVALS FOR PSYCHOMETRIC TESTING
RECEIVED AFTER MAILING OF THE AGENDA**

None.

CORRESPONDENCE AND PHONE INQUIRIES BY LEGAL COUNSEL

None.

REPORT OF SCREENING PANEL

Leslie Mirkin advised that there nothing to report as the screening panel did not meet this morning.

INFORMATIONAL ITEMS

None.

PUBLIC COMMENTS

None.

CLOSED SESSION

MOTION: Charles Lindsey moved, seconded by LaMarr Franklin, to convene to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g), to consult with legal counsel to deliberate on proposed stipulations, deliberate on administrative warnings, deliberate on monitoring issues, application review, monitoring report and DOE case status reports. Roll Call Vote: LaMarr Franklin-yes; Leslie Mirkin-yes; Evelyn Pumphrey-yes; Charles Lindsey-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:36 a.m.

RECONVENE TO OPEN SESSION

MOTION: LaMarr Franklin moved, seconded by Evelyn Pumphrey, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 2:44 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE

MONITORING

None.

DELIBERATION OF MONITORING ISSUES THAT MAY BE RECEIVED AFTER MAILING OF AGENDA

None.

SUPERVISOR APPROVALS RECEIVED AFTER THE MAILING OF THE AGENDA

None.

**DELIBERATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER
MAILING OF THE AGENDA**

BRAD W. KNAPP, LPC

MOTION: LaMarr Franklin moved, seconded by Evelyn Pumphrey, to accept the findings of fact, conclusions of law, stipulation and order in the matter of disciplinary proceedings against Brad W. Knapp, LPC. Motion carried unanimously.

**DELIBERATION OF PROPOSED ADMINISTRATIVE WARNINGS THAT MAY BE
SIGNED AFTER THE MAILING
OF THE AGENDA**

None.

**DELIBERATION OF PROPOSED FINAL DECISIONS AND ORDERS FOR
DISCIPLINARY PROCEEDINGS RECEIVED AFTER THE MAILING OF THE
AGENDA**

None.

**DELIBERATION OF PETITIONS FOR RE-HEARINGS THAT MAY BE SIGNED
AFTER THE MAILING OF THE AGENDA**

None.

DIVISION OF ENFORCEMENT – CASE STATUS REPORT

None.

APPLICATION REVIEWS

LPC FILE REVIEW 04/14/2009

SUPERVISOR REVIEW

George Farah- approved
Elizabeth Unrath- approved
Debra Jodarski- approved
Sally Hamilton- approved
Angela Endejan- approved
Jane Scherrer- approved

EDUCATION REVIEW

Justin Marko- approved
Jacqueline Lindo- approved
Tonya Witherspoon- denied
Amy D'Addario- approved
Elizabeth Robinson- approved
Angela Dellise- denied
Rose Illes- approved
David Guyton- denied
Sharon Medina- more information requested
Melissa Carlberg- denied
Naomi Doriott- approved

HOURS ACCRUED WITHOUT A TRAINING LICENSE

Rachel Semrow- denied
Maria Helena Juergens- approved

RECIPROCITY REVIEW

Kathleen English- more information requested
Erin Wiler- approved
Mark Huttemier- approved
Allison Ireland- approved
Nathan Perron- approved
Carolyn Inglefield- approved
Lisa Page- approved
Scott Cullen-Benson- approved
Tory Stefonek-Finney- denied

MULTIPLE ITEMS REVIEW

Crystal Mclean—education approved, supervision denied
Rebecca Westrick—education denied
Patricia Jirovetz—education approved, supervisor approved
Pamela Kachelmeier—education approved, supervisor denied

MISCELLANEOUS REVIEW

Rachel Mulder—supervised experience without approved supervisor- denied

Angela Hayward—supervised experience without approved supervisor- denied

Jeffrey Buikema—education denied

Jo Ann Schmitz—denied LPC application; applicant must apply for Training License reinstatement

MOTION: LaMarr Franklin moved, seconded by Evelyn Pumphrey, to approve the applications approved, deny the applications denied, and to request further information on applications where needed. Motion carried unanimously.

OTHER SECTION BUSINESS

None.

ADJOURNMENT

MOTION: LaMarr Franklin moved, seconded by Evelyn Pumphrey, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:46 p.m.